

FACT SHEET
Proposed Determination Regarding Good Neighbor Obligations for the
2008 Ozone National Ambient Air Quality Standard
-- CSAPR Close-Out --

ACTION

- On June 29, 2018, the Environmental Protection Agency (EPA) proposed that the 2016 Cross State Air Pollution Rule (CSAPR) Update fully addresses the 20 covered states interstate pollution transport obligations for the 2008 ozone NAAQS.
- The proposal relies on EPA's latest data and modeling ([released in October 2017](#)) to assess air quality nonattainment and maintenance for the 2008 ozone NAAQS. This analysis found that there are projected to be no remaining nonattainment or maintenance receptors in the eastern United States by 2023.
- In accordance with this finding, EPA is proposing to determine that in the 20 states covered by this proposal would not need to submit state implementation plans (SIPs) establishing additional control requirements beyond the CSAPR Update to address transported ozone pollution with respect to the 2008 ozone NAAQS. Also, EPA would have no obligation to establish additional control requirements for sources in these states.
- EPA is under a court order to sign and disseminate this proposed action by June 29, 2018, and to finalize by December 6, 2018.

BACKGROUND

- Under the Clean Air Act, each state is required to submit to EPA a SIP that provides for the implementation, maintenance and enforcement of each primary or secondary NAAQS. Each state must make this new SIP submission within 3 years after EPA issues a new or revised NAAQS.
- A key Clean Air Act requirement for these SIPs is that they must assure that emissions in upwind states do not contribute significantly to problems with attainment or maintenance of the NAAQS in downwind states (known as the "good neighbor" provision). If a state does not submit a good neighbor SIP, or if the EPA disapproves the SIP, EPA must issue a Federal Implementation Plan (FIP).

- In 2011, EPA finalized CSAPR to address the Clean Air Act “good neighbor” provision to reduce interstate transport. CSAPR addresses interstate pollution transport for the 1997 ozone NAAQS and the 1997 and 2006 fine particle NAAQS.
- In October 2016, EPA finalized the CSAPR Update to address summertime transport of ozone for the 2008 ozone NAAQS and update the CSAPR ozone season program. The CSAPR Update issued new and revised FIPs for 22 states in the eastern U.S. In the final CSAPR Update, based on information available at that time, EPA could not conclude that the rule fully addressed good neighbor obligations for 21 of the 22 CSAPR Update states (for Tennessee, the CSAPR Update was a full remedy). EPA Region 4 is taking a separate action addressing the good neighbor obligation for the 2008 ozone NAAQS for Kentucky (pursuant to a court order for the Agency to take final action by June 30, 2018).
- With this determination, EPA and states would have no obligation to establish additional requirements for sources in these states to further reduce transported ozone pollution with regard to the 2008 ozone NAAQS. Accordingly, this action proposes minor revisions to the existing CSAPR Update regulations consistent with this determination. The proposal would apply to states currently subject to CSAPR Update FIPs, as well as any state for which EPA has approved replacement of a CSAPR Update FIP with a CSAPR Update SIP.
- In preparation for issuing today’s proposal, EPA conducted outreach to state partners to assess and gather feedback on the next steps to address interstate air pollution transport. Additionally, EPA signed the “Supplemental Transport Memo” on October 27, 2017, to help states develop, supplement or resubmit their good neighbor SIPs for the 2008 ozone standard. The modeling conveyed in this memo indicated that there were not monitoring sites in the CSAPR region that were projected to have nonattainment or maintenance problems with respect to the 2008 NAAQS in 2023.

HOW TO COMMENT

- EPA will accept comments on the proposed CSAPR Close-Out for the 2008 ozone NAAQS until August 1, 2018.
- Comments on the proposal, identified by Docket ID #**EPA-HQ-OAR-2018-0225**, may be submitted by one of the following methods:
 - Federal eRulemaking portal: Follow the online instructions for submitting comments.
 - Email: Send your comments via electronic mail to A-and-R-Docket@epa.gov: Include docket ID No. EPA-HQ-OAR-2018-0225 in the subject line of the message.
 - Fax: Fax your comments to: 202-566-9744.
 - Mail: Environmental Protection Agency, EPA Docket Center (EPA/DC), Mailcode 28221T, Attention Docket ID No. EPA-HQ-OAR-2018-0225, 1200 Pennsylvania Avenue, NW., Washington, DC 20460.

- Hand Delivery or Courier: Deliver your comments to: EPA Docket Center, Room 3334, 1301 Constitution Ave., NW, Washington, DC, 20460. Such deliveries are only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.
- There is a public hearing for the proposed CSAPR Close-Out scheduled for August 1, 2018, in Washington, D.C. The public hearing provides interested parties the opportunity to present data, views or arguments concerning the proposed action. You can learn more about the hearing and how to register online at: www.epa.gov/airmarkets/forms/public-hearing-proposed-csapr-close-out

FOR MORE INFORMATION

To read or download a copy of the final rule, go to <https://www.epa.gov/airmarkets/proposed-csapr-close-out> or <http://www.regulations.gov> (EPA's electronic public docket and comment system). The proposed rule is also available in hardcopy at the EPA Docket Center's Public Reading Room. Materials for this proposed action can be accessed using Docket ID No. EPA-HQ-OAR-2018-0225.

For further information about the proposed action, contact Mr. Brian Fisher of EPA's Office of Atmospheric Programs, Clean Air Markets Division, at (202) 343-9633 or by e-mail at fisher.brian@epa.gov.